Message

From: Higginbotham, Paul [PHIGGINB@idem.IN.gov]
Sent: 6/23/2017 1:40:30 PM
To: Beslow, Mike [beslow.mike@epa.gov]
Subject: Re: todays conversation

Mike - your statement is correct and I would just add that IDEM would prefer that an action hold -off until after AM presents their info to US EPA and the Coast Guard about their investigation, their findings and their proposed next steps. If July 12th is to far out for such a meeting, I recommend that AM be contacted (I could assist on Monday) and request the meeting be next week.

Thanks Mike.

Sent from my iPad

On Jun 22, 2017, at 4:34 PM, Beslow, Mike <beslow.mike@epa.gov> wrote:

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Mr. Higginbotham-
The terminology I was looking for this afternoon was pre-emtion. I'm not a lawyer, but the way I understand it, pre-emption states we cannot enforce under both statues. Kindly review my below statement about our conversation, if you agree with it, I think I can move forward from my end. If you feel this does not accurately reflect our discussion, please give me a call, and I can amend it appropriately. If you believe it does accurately reflect, there is no need to call me back tomorrow, but please email me such that you concur with the statement, and I can continue forward on my end. I do ask that you kindly respond in a timely manner, as the consent order process can be a long one, and I would like to begin moving forward.

This afternoon I spoke with Paul Higginbotham (Deputy Assistant Commissioner – Office of Water Quality). We discussed how EPA would like to move forward with the consent order for outfall 001 at the Arcelor Mittal IHC west location. He stated that IDEM did not have intent to enforce on this case under their water program, but also could not concur with EPA's action to issue an OPA order, because IDEM does not have an OPA program.

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